



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager
Vivian White, City Clerk

Date: April 23, 2015

Re: Consideration – Adoption of Resolution Amending Records Retention and Disposition Schedule

BACKGROUND:

Pursuant to NCGS §121-5, the North Carolina Department of Cultural Resources serves as the official archival agency of the State of North Carolina with authority as provided throughout this Chapter and Chapter 132 of the General Statutes in relation to the public records of the State, counties, municipalities, and other subdivisions of government. According to General Statutes, the Department of Cultural Resources regulates destruction and disposition of public records and no person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources. The primary vehicle used to regulate the retention and disposition of public documents is the Records Retention and Disposition Schedule published by the Department. The schedule must officially be adopted by the City Council.

The Council adopted the most recent edition of the schedule dated September 20, 2012 in October 2012.

ANALYSIS:

From time to time, the Department of Cultural Resources, Division of Archives and Records issues amendments to the Records Retention and Disposition Schedule. Staff has been advised that the Department published a short amendment in January, 2015, that affects only two items in our current schedule, as follows:

1. Standard 9. Law Enforcement Records: Adding Item 136 Law Enforcement Audio and Video recordings, as shown on the attached substitute page 90;
2. Standard 12. Personnel Records: Amending Item 19, Employee Eligibility Records, as shown on the attached substitute page 105.

The City Council must approve these amendments prior to placing them in the City's current adopted policy.

STAFF RECOMMENDATION:

By motion, adopt the attached resolution amending the City's Records Retention and Disposition Policy to incorporate the January 5, 2015 amendments published by the North Carolina Department of Cultural Resources, as described herein.

RCO/vdw

RESOLUTION # 2015-04-_____
ADOPTING THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES
MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE
AMENDMENTS DATED JANUARY 5, 2015

BE IT RESOLVED, by the City Council of the City of Elizabeth City that the Council hereby adopts the North Carolina Municipal Records Retention and Disposition Schedule amendments as published by the North Carolina Department of Cultural Resources in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, dated January 5, 2015, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED, this schedule is to remain in effect from the date of approval until it is reviewed and updated.

ADOPTED, this 27th day of April 2015.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

**Municipal
Records Retention Schedule Amendment**

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

STANDARD 9. LAW ENFORCEMENT RECORDS

Adding Item 136, Law Enforcement Audio and Video Recordings, as shown on substitute page 90.

STANDARD 12. PERSONNEL RECORDS

Amending Item 19, Employee Eligibility Records, as shown on substitute page 105.

APPROVAL RECOMMENDED



City/Town Clerk



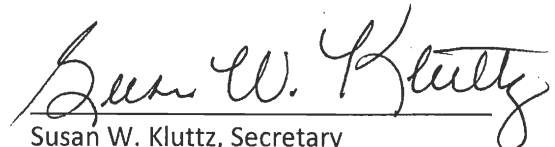
Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Mayor



Susan W. Kluttz, Secretary
Department of Cultural Resources

January 5, 2015

STANDARD-9: LAW ENFORCEMENT RECORDS

ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
134.	<p>WORK RELEASE EARNINGS REPORTS Inmates' work release earnings reports submitted either to the N.C. Department of Corrections or the Clerk of Superior Court.</p>	<p>Destroy in office after 3 years.*</p>	<p>G.S. §148-32.1</p>
135.	<p>WRECKER SERVICE RECORDS Records concerning wrecker requests or calls. May include lists of wrecker company's towing and storage rates, rotation lists, notification records when vehicles are towed from private property, and other related records.</p>	<p>a) Destroy in office after 1 year if not made part of a case file. b) If record is made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 18, page 64.</p>	
136.	<p>LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS Tapes and digital recordings generated by mobile and fixed audio and video recording devices. Does not include ELECTRONIC/VIDEO RECORDINGS OF INTERROGATIONS (HOMICIDE) item 44, page 71. See also MOBILE UNIT VIDEO TAPES item 81, page 80.</p>	<p>a) Destroy in office after 30 days if not made part of a case file. b) If record is made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 18, page 64. c) If record is made part of a citizen complaint follow disposition instructions for CITIZEN COMPLAINTS/ ADMINISTRATIVE INVESTIGATION RECORDS item 21, page 65. d) If record is made part of an internal investigation follow disposition instructions for INTERNAL AFFAIRS CASE RECORDS item 76, page 78.</p>	<p>Comply with applicable provisions of G.S. § 132-1.4 regarding confidentiality of criminal investigation records and G.S. §160a-168 regarding confidentiality of personnel records.</p>

*See *AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS*, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

STANDARD-12. PERSONNEL RECORDS

ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.	<p>EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM RECORDS Includes records requesting tuition assistance, repayments, and other related records. See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office 3 years after completion, denial, repayment, or removal from program.*</p>	
19.	<p>EMPLOYEE ELIGIBILITY RECORDS Includes the United States Immigration and Naturalization Services, Employment Eligibility Verification (I-9) forms.</p>	<p>Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.</p>	8 USC 1324a(b)(3)
20.	<p>EMPLOYEE EXIT INTERVIEW RECORDS See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office after 1 year.</p>	
21.	<p>EMPLOYEE HEALTH CERTIFICATES Includes health or physical examination reports, or certificates created in accordance with Title VII and the Americans with Disabilities Act (ADA).</p>	<p>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112. b) Destroy in office all other records 2 years after resolution of all actions.</p>	

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**Municipal
Records Retention Schedule Amendment**

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

STANDARD 4. BUDGET, FISCAL AND PAYROLL RECORDS

Amending item 32 Escheat and Unclaimed Property File as shown on substitute page 29.

STANDARD 12. PERSONNEL RECORDS

Adding item 1-A Accreditation Records as shown on substitute page 101.

~~Amending item 19 Employee Eligibility Records as shown on substitute page 105.~~ **Superseded January 5, 2015**

Amending items 36 Family Medical Leave Act (FMLA) Records, 42 Leave File, and 43 Leave Without Pay File as shown on substitute pages 110-111.

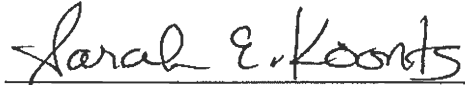
APPROVAL RECOMMENDED



City/Town Clerk



Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Mayor



Susan W. Kluttz, Secretary
Department of Cultural Resources

August 29, 2013

Municipality

STANDARD-4: BUDGET, FISCAL AND PAYROLL RECORDS

ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27.	DAILY DETAIL REPORTS	Destroy in office after 1 year.*	
28.	DEPOSITS	a) Destroy in office official/audit copies after 3 years.* b) Destroy in office remaining records after 1 year.	G.S. § 159-32
29.	DETAIL REPORT FILE (FINANCIAL RECORDS FOR GENERAL FUND OR GENERAL LEDGER)	a) Destroy in office annual reports after 3 years.* b) Destroy in office all other reports after 1 year.	
30.	DIRECT DEPOSIT APPLICATIONS/AUTHORIZATIONS Includes related records such as bank account numbers and routing numbers.	Destroy in office when superseded or obsolete.	Comply with applicable confidentiality provisions of G.S. §132-1.10(b)(5) regarding personal identifying information.
31.	DISTRICT INVESTMENT RECORDS	Destroy in office after 3 years.*	
32.	ESCHEAT AND UNCLAIMED PROPERTY FILE	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed after July 16, 2012.*	Comply with applicable provisions of G.S. §116B-60 and §116B-73.
33.	EXPENDITURE REPORTS	Destroy in office after 3 years.*	
34.	FACILITY SERVICE AND MAINTENANCE AGREEMENTS See also GRANTS: FINANCIAL item 36, page 30.	a) Destroy in office depreciation schedules 3 years after asset is fully depreciated or disposed. b) Destroy in office remaining records after 3 years.*	

*See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.

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STANDARD-12. PERSONNEL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ABOLISHED POSITION FILE	Destroy in office when administrative value ends.† Agency Policy: Destroy in office after _____	
1-A.	ACCREDITATION RECORDS Records concerning compliance with those standards outlined by professional accreditation programs.	Destroy in office 1 year after accreditation is obtained, renewed, or no longer valid.*	
2.	ADDRESS FILE	Destroy in office when superseded or obsolete.	
3.	ADS AND NOTICES OF OVERTIME, PROMOTION, AND TRAINING OPPORTUNITIES	Destroy in office 1 year from date record was made.	29 CFR 1627.3
4.	AFFIRMATIVE ACTION FILE	a) Destroy in office all reports, analyses, and statistical data after 5 years. b) Destroy in office affirmative action plans 5 years from date superseded.	29 CFR 30.8(b)(e) 29 CFR 1608.4
5.	APPRENTICESHIP PROGRAM RECORDS	Destroy in office 5 years from the date of enrollment.	29 CFR 30.8(e)
6.	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. May include civil service examinations. See also EMPLOYMENT SELECTION RECORDS item 32, page 109.	a) Destroy in office applicant and employee test papers 2 years from date record was created. b) Destroy in office validation studies and copies of tests 2 years after no longer in use. c) Destroy in office records relating to the planning and administration of tests in office after 2 years.	29 CFR 1602.31 29 CFR 1602.40 29 CFR 1602.49

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STANDARD-12. PERSONNEL RECORDS

ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
35.	EQUAL PAY RECORDS Includes reports, studies, aggregated or summarized data, and similar documentation compiled to comply with the Equal Pay Act.	Destroy in office after 2 years.	29 CFR 1620.32
36.	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA and other related records.	Item discontinued. See LEAVE FILE , item 42, page 111.	
37.	FRINGE BENEFITS FILE	Destroy in office when administrative value ends.† Agency Policy: Destroy in office after _____	
38.	GRIEVANCE FILE Includes initial complaint, investigations, actions, summary, and disposition. May include disciplinary correspondence, including email. See also DISCIPLINARY FILE item 11, page 102 and PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.	Destroy in office after 2 years.	
39.	HEALTH INSURANCE FILE Completed claim forms and other records concerning employees covered by health plans.	Destroy in office after 2 years.*	
40.	INCREMENTS FILE	Destroy in office when released from all audits.	
41.	INTERNSHIP PROGRAM FILE Records concerning interns and students.	Destroy in office after 3 years.	

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STANDARD-12. PERSONNEL RECORDS

ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
42.	LEAVE FILE Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, military, etc. Includes premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over the Family Medical Leave Act (FMLA), and other related records.	Destroy in office 3 years after return of employee or termination of employment.*	29 CFR 825.110(b)(2)(i) 29 CFR 825.500(b)
43.	LEAVE WITHOUT PAY FILE	Item discontinued. See LEAVE FILE , item 42, page 111.	
44.	LONGEVITY PAY REQUESTS	Destroy in office when released from all audits.	
45.	MERIT AND SENIORITY SYSTEM RECORDS	a) Destroy in office employee-specific records after 3 years. b) Destroy in office system and plan records 1 year after no longer in effect.	29 CFR 1627.3
46.	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, position or job title, name change and leave.	a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112. b) Destroy in office all remaining records 2 years from date record was created, received, or the personnel action involved.	

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